HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.20794 of 2007

DATE: 04-10-2007

Between :

Athili Appala Swamy

… Petitioner

And

The Greater Visakhapatnam Municipal Corporation,
Rep., by its Commissioner,
Visakhapatnam.

… Respondents

HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.20794 of 2007

O R D E R:

This writ petition is filed by the petitioner seeking a writ of Mandamus declaring the action of the respondent in laying pipe line in the petitioner's property situated in Sy.No.30/2 of Kaprada village, Visakhapatnam, which is part of Ward No.38 abetting to Kancharapalem Fire Station is illegal, unjustified, arbitrary and without jurisdiction and consequently sought for a direction not to lay the pipe line.

Heard the learned counsel for the petitioner and the learned Standing counsel for the respondent.

The grievance of the petitioner is that without obtaining the land of the petitioner, the respondent-Corporation is laying a pipe line, to which it is not entitled. It is the case of the petitioner that the land in question was not acquired either under the land acquisition proceedings or with the consent of the petitioner, therefore, the action is illegal and without jurisdiction.

In view of the above said contentions, the respondent-Corporation is directed not to lay the pipe line unless and until the land of the petitioner is acquired either under the provisions of the Land Acquisition Act, 1894 or with the consent of the petitioner. The respondent-Corporation cannot lay the pipe line unless and until the petitioner is dispossessed under due process of law.

The writ petition is, accordingly, disposed of with the above directions. No costs.

S.ANANDA REDDY,J

Date: 04-10-2007

Note: Issue operative portion by wire.

B/o

KLP